

March 1, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT

SUBJECT: Department of Development and Environmental Services File No. **L98P0023**
Proposed Ordinance: **1999-0537**

CHATEAUS AT GREENBRIER
Preliminary Plat Application

Location: East of 236th Avenue Southeast between Southeast 288th Street and
approximately Southeast 294th Street (if extended)

Applicant: W. E. Ruth Corporation, *represented by* **William E. Ruth**
19222 - 108th Avenue Southeast, Renton, WA 98055
Telephone: (425)852-4682 Facsimile: (425)852-4342

Agent: Barghausen Consulting Engineers, *represented by* **Eric LaBrie**
18215 - 72nd Avenue South, Kent, WA 98032
Telephone: (425)251-6222 Facsimile: (425)251-8782

King County: Department of Development and Environmental Services
Represented by **Karen Scharer**
900 Oakesdale Avenue Southwest
Renton, WA 98053
Telephone: (206)296-7114 Facsimile: (206)296-6613

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted: June 26, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	November 1, 1999
First Administrative Continuance:	November 12, 1999
Second Administrative Continuance:	November 30, 1999
Hearing Closed:	February 28, 2000

This hearing was administratively continued at the Applicant's request until final Metropolitan King County Council action could be determined regarding the Applicant's request to reclassify the zoning of the subject property from RA-10 to RA-5-P.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Fences
- Landscaping
- Surface water detention

SUMMARY:

Approves a subdivision of 88 acres into 14 single-family residential building lots and one 73 acre remainder lot.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner/Developer:	Bill Ruth/William E. Ruth Corporation 19222 – 108 th Avenue Southeast Renton, WA 98055
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Engineer:	Barghausen Consulting Engineers, Inc. 18215 – 72 nd Avenue South Kent, WA 98032 Telephone: (425) 251-6222
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Location:	East of 236 th Avenue Southeast between Southeast 288 th Street and approximately Southeast 294 th Street (if extended)
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Acreage Rezone:	92.26 acres
Acreage Plat:	88.27 acres
Zoning:	Existing RA-10 to Proposed RA-5
Number of Lots:	14
Density:	1 dwelling unit per 5 acres
Revised Lot Sizes:	Lots are approximately 33,000 square feet to 43,000 square feet except for Lot 1 which will be a large parcel, 73 acres in size.
Proposed Use:	Single family
Sewage Disposal:	Septic
Water Supply:	Covington
Fire District:	King County Fire District #17
School District:	Tahoma
Complete Application Date:	July 24, 1998

2. **Proposal.** The Applicant proposes to subdivide 88 acres into 14 single-family residential building lots ranging from 35,000 square feet to 44,000 square feet; and, in addition, a single remaining 73 acre lot. As proposed by the Applicant, recommended by the Department and approved by the Council, that remainder 73 acre parcel will not be re-subdivided until it is annexed into a local city or incorporated into the Urban Growth Area Boundary or again reclassified (rezoned). Within the 73 acre lot are located approximately 4 acres of sensitive areas (wetlands, steep slopes and their respective buffers) that are to be placed in separate tracts.
3. **State Environmental Policy Act.** On August 24, 1999, the Department of Development and Environmental Services (the "Department" or "DDES") issued a threshold determination of non-significance for the proposed plat of Chateaus at Greenbrier. That is, the Department issued its announcement that no environmental impact statement would be required because, based on the Department's review of the Applicant's environmental checklist and other pertinent documents, the Department concluded that the proposal would not cause probable significant adverse impacts upon the environment. No person, agency, tribe or other entity appealed that determination. The environmental documents are incorporated in this public hearing review.
4. **Department Recommendation.** The Department recommends granting preliminary plat approval to the proposed plat of Chateaus at Greenbrier as shown in the revised preliminary plat drawing received October 21, 1999 (Exhibit No. 10), *subject* to the twenty-two (22) conditions of final plat approval contained on pages 2 through 10 of the Department's revised recommendation to the Examiner, dated November 1, 1999, contained in this hearing record as Exhibit No. 2.
5. **Council Action on Rezone Request.** On February 28, 2000, the Metropolitan King County Council approved the requested zoning reclassification, at which time this hearing record closed. The Council adopted as post-effective zone reclassification conditions, the following:
 - a. Development of the site at a density that is greater than one (1) dwelling unit per ten (10) acres shall require clustered lots to be located on the north and west portions of the site.
 - b. Development of the site under the RA-5-P zone shall be subject to the final conditions of plat approval for File No. L98P0023/Chateaus at Greenbrier.

In its approval, the Council also adopted Recommended Condition No. 22* as shown in this Examiner's report at page 11, below.

6. **Applicant Response.** As amended by the Applicant's written statement to the Council (see Exhibit No. 34), the Applicant accepts the Department's recommendation and the Council's action as described in Finding Nos. 4 and 5, preceding.
7. **Concerns.** Some neighboring property owners express concern regarding the potential impact of the Applicant's stormwater retention/detention facility. That facility will be located in the southwestern portion of the clustered development area. They ask for landscaping and fencing. They express concern that King County will obtain access to the facility through their development. Access will indeed be obtained through the abutting public street. However, maintenance of the facility will occur only periodically. Whether a retention/detention facility is fenced depends upon the gradient of the pond slopes, a matter administratively regulated by the Department of Public Works. In this case, the slopes will be shallow gradient, thereby assuring public safety.

In addition, some neighboring property owners ask for a 15-foot to 30-foot wide vegetative buffer between Greenbrier Estates, Division II, and the subject property. There is no adopted policy or regulation that would require such a buffer.
8. **Department Report Adopted.** The facts and analysis contained in the Department's October 21, 1999 preliminary report to the Hearing Examiner are accurate as amended by the Department's revised recommendation to the Hearing Examiner dated November 1, 1999. As thus amended, the Department's report is adopted and incorporated here by this reference.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.

* Due to a numbering error in the DDES Revised Recommendations (Exhibit No. 2), the zone reclassification debate before the Council called this "Condition No. 23." The council ordinance approving the zone reclassification also refers to it as "Condition No. 23."

4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed of Chateaus at Greenbrier, DDES File No. L98P0023, as represented by the preliminary plat drawing received October 27, 1999 (Exhibit No. 10) is GRANTED PRELIMINARY APPROVAL, *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density requirements of the RA-5 zone classification. All lots shall meet the minimum dimensional requirements of the RA-5 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

If all lots are 35,000 square feet in size or more, or if the subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size

and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acres, the subdivision is exempt per KCC 17.08.030.

7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
- b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
- c. The following note shall be shown on the final recorded plat:

" Single family residences constructed on lots created by this subdivision must provide perforated stub-out connections according to the details shown on the approved plans. All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."

- d. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using infiltration designs as specified in the 1998 King County Surface Water Design Manual (KCSWDM). The storm water facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180. The applicant is offering to go beyond the minimum requirements specified in the 1998 KCSWDM by sizing the infiltration storm drainage facility to accommodate the 100-year design storm. Maintenance of conveyance facilities provided in the private access easements to transport storm water to the infiltration facility shall be the responsibility of the individual lot owners.

As specified in section 5.4 of the 1998 KCSWDM, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable. A geotechnical report has been provided to evaluate soil conditions, seasonal depth to groundwater, and other design requirements as outlined in the SWM Manual. An addendum geotechnical report will be required to demonstrate compliance with the KCSWDM infiltration standards.

- e. Core Requirement No. 8: Water Quality.

The project is located within the Sensitive Lake Protection designation that contains special requirements for drainage plan design. These requirements are contained in Section 6.1.2 of the 1998 King County Surface Water Design Manual.

8. Drainage Tract A shall be landscaped with a 10-foot wide Type II Landscape buffer along the northeast side of the tract that faces the on-site easement road. Landscaping shall be completed prior to dedication of the tract to King County for maintenance of surface water management facilities.
9. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. During preliminary review the applicant submitted a road variance application (File No. L99V0302), regarding road length and gated entry for its proposed private street. The variance received conditional approval on August 13, 1999. The final road improvements shall comply with the variance approval requirements that include roadside obstacle setbacks (KCRS Section 5.11), a temporary cul-de-sac at the southern terminus of the 237th Avenue SE entrance road and Fire Engineer approval during engineering review.
 - b. The 237th Ave. SE, a public road is required to meet subcollector (rural) road standards.
 - c. The private street, SE 289th Street, is required to meet minor access street rural road standards.
 - d. As determined by DDES staff, off-site road improvements on SE 288th Street may be allowed using the “3-R” provisions in KCRS Section 1.02. The applicant shall provide limited gravel shoulder widening along the eastern portion of SE 288th Street that does not lie directly east-west to provide at a minimum 6 feet of gravel shoulder on at least one side of the street.
 - e. A portion of the southwest corner of designated drainage Tract A shall be dedicated for completion of the 236th Avenue SE right-of-way.
 - f. 30 feet of right-of-way shall be dedicated along the frontage with SE 288th Street to provide 30 feet from centerline.
 - g. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - h. SE 288th Street is designated a neighborhood collector street which may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
 - i. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
10. Except for Lot 1, there shall be no direct vehicular access to or from SE 288th Street nor to or from 237th Ave. SE from those lots which abut either road. A note to this effect shall appear on the engineering plans and final plat.

11. Lots 2- 14 shall obtain access off SE 289th St. (an easement). Lot 1 shall obtain access from either SE 289th St or 237th Ave. Lots 1-14 shall be responsible for its maintenance of the private easements/roads. Notes to this effect shall be placed on the engineering plans and final plat.
12. A planter island shall be provided within the "eyebrow" serving Lots 10 and 11.
13. The planter islands (if any) within the cul-de-sacs shall be maintained by the lot owners or homeowners association. This shall be stated on the face of the final plat.
14. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
15. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
16. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
17. Lots 6 and 7 shall have a building setback line recorded on the face of the plat that provides a 120-foot separation between these two lots for the purposes of cluster separation (KCC 21A.12.040).
- 18._a. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of

Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed within the required 15-foot building setback line, unless otherwise provided by law.

18. b. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer from these slopes. The buffer may be reduced to with the submittal of a satisfactory soils report and subject to review and approval by DDES geologist.
18. c. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
18. d. The following note shall be shown on the final engineering plan and recorded plat:

The applicant shall delineate all on-site erosion hazard areas on the final engineering plans (erosion hazard areas are defined in KCC 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
18. e. Class 2 wetland(s) shall have a minimum 50-foot buffer measured from the wetland edge. Class 3 wetland(s) shall have a minimum 25-foot buffer measured from the wetland edge. A minimum 15 foot building setback line of 15 feet shall be required from the edge of the sensitive area tracts.
18. f. All sensitive areas and their buffers shall be placed within Sensitive Area Tracts. Sensitive Area Tracts shall be owned and maintained by Lot 1 of the plat.
19. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of road easements.
20. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 289th Street and 237th Ave. SE. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way (or road easement) and planted in

accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.

- c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

Additional Recommended Conditions:

- 21. The location of the Interim Conservation Easement recorded under No. 9708110711 shall be shown on the final engineering drawings and recorded plat together with a note on the face of the plat stating:

“The Interim Conservation Easement recorded under Number 9708110711 encumbers a portion of Lot 1, restricting usage and references possible future dedication of property to King County for the purposes of “County Open Space” in the Black Diamond Agreement.”

If the Interim Conservation Easement is replaced with a subsequent revised and recorded Interim Conservation Easement adjusting the Black Diamond Agreement “County Open Space” area, the Interim Conservation Easement area shall be so adjusted on the plat to reflect revisions to the Interim Conservation Easement, if any, on the plat at the time of final engineering and plat recording.

22. A temporary easement shall be established over Lot 1 titled "Temporary Easement Limiting - Use, Boundary Adjustment and Segregation". The temporary easement shall preclude further subdivision of Lot 1 unless and until such time as Lot 1 is either (1): annexed into a local city, or (2): incorporated into the Urban Boundary which currently lies along the north and west lines of

the subject plat, or (3): rezoned to another classification. Until the occurrence of one of these three (3) events, the uses allowed on Lot 1 shall be limited those permitted in the RA-5 zone district as follows and subject to restrictions of the zone:

KCC 21A.08.030 A. – One single detached dwelling, Residential accessory uses, home occupation, and Bed and Breakfast guesthouse

KCC 21A.08.040 A. – Park and Trails

KCC 21A.08.060 A. – Log Storage

KCC 21A.08.070 A. – Forest Product Sales

KCC 21A.08.090 A. – Growing and Harvesting Forest Product, and Forest research.

This temporary easement shall also preclude lot line adjustments to Lot 1, except for a lot line adjustment and/or segregation with the purpose of establishing the boundary for "County Open Space" as part of the Black Diamond Agreement referenced in the Interim Conservation Agreement recorded under No. 9708110711.

The easement shall include language which confirms that it shall automatically terminate upon the occurrence of any one of these three events, at which time it shall have no further force or effect. This easement shall not be construed as a disposition or intent to permanently prohibit a proposal for development, redevelopment or future subdivision of Lot 1 upon the occurrence of any one of these three events as would then be allowed by applicable zoning.

The "Temporary Easement Limiting - Use, Boundary Adjustment and Segregation" shall be documented by a separate instrument between the applicant and King County, to be recorded on title of Lot 1 concurrent with recording of the final plat. A note shall be added to the face of the plat referencing that this "Temporary Easement Limiting - Use, Boundary Adjustment and Segregation" is recorded on title of Lot 1.

ORDERED this 1st day of March, 2000.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 1st day of March, 2000, to the following parties and interested persons:

George and Wilda Morris
Eric LaBrie
Mark Bergam
Willis Calhoun
Mark Davis
Wilmer D. Davis

Jim Chamberline
Gregory G. Morris
Jack A. Morris
Terry L. Morris
William and Ursula Paine
Palmer Coking Coal Co.

Roger Dorstad
Dean Duncan
Roberta E. Falk
Pat Haasi
Eleanor Moon

Jason Paulson
Patricia C. Pepper
Carol Rogers
Scott Schafer
Karen Scharer

Pauline Kombol
Wm J. Kombol
Robert Kubasta
Kristen Langley
Karen and Robert Latunski
Michaelene Manion
Rick Williams
Benj Wadsworth
Jackson Schmidt
Kim Pillow
Karen Wolf
Joel Haggard
Don Nettleton

John L. Scott
Seattle/King Co. Health Dept.
Karen R. Stopsen
Steve Townsend
Linda Matlock
Cindy Wheeler
William E. Ruth Corp.
Jerry Prouty
Wayne Potter
Kristen Langley
Nancy Thomas
Evan D. Morris, Sr.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before March 15, 2000***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 22, 2000***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE NOVEMBER 1, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98P0023/L98RZ006 – CHATEAUS AT GREENBRIER:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Karen Scharer and Mark Bergam. Participating in the hearing and representing the Applicant were Jackson Schmidt and Eric LaBrie. Other participants in this hearing were Don Nettleton, Andrew Schwarz, Kim Pillow, Ken Thomas, Bill Kombol and Benj Wadsworth.

The following exhibits were offered and entered into the record on November 1, 1999:

Exhibit No. 1	DDES Preliminary Staff Report (16 pages w/attachments 1-9 & 11-12), mailed 10/6/99
Exhibit No. 2	Revised Recommendation, dated 10/29/99 w/Timeline of Events attached
Exhibit No. 3	Rezone File, Rec. 6/26/98
Exhibit No. 4	Plat File, Rec. 6/26/98
Exhibit No. 5	Environmental Checklist dated 2/25/99
Exhibit No. 6	SEPA TD, issued 8/24/99
Exhibit No. 7	Revised Notice of Applications, mailed 8/5/98

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- Exhibit No. 8 Affidavit of Posting for Revised Notice of Applications, posting 8/11/98
Exhibit No. 9 Notice of Recommendation and Hearing, mailed 9/22/99
Exhibit No. 10 Revised Plat Map, received 10/21/99
Exhibit No. 11 Assessor Map STR 3-21-6, last revised on 5/14/97 and Assessor Map of STR 2-21-6 & STR 3-21-6, last revised on 4/1/93
- Exhibit No. 12 Level I Drainage Report by Barghausen Consulting Engineers—Revised 5/25/99
Exhibit No. 13 Wetland Evaluation Report by Terra Associates, Inc., dated 6/22/98 and revised 11/16/98 and received 2/25/99
Exhibit No. 14 Wildlife and Habitat Report by Terra Associates, Inc., dated 11/16/98 and received 2/25/99
Exhibit No. 15 Geotechnical Engineering Study by Earth Consultants, Inc., received 2/25/99
Exhibit No. 16 Copy of a portion of a Kroll Map from DDES working files/map undated, with Burlington Northern Inc. ownership marked in yellow & subject property marked in blue by staff.
Exhibit No. 17 GIS Hydro & Geo Features of Property (site marked in yellow)
Exhibit No. 18 Portion of the 2/2/95 Zoning Atlas—subject property zoned RA-10
Exhibit No. 19a. Ordinance 12065, effective 12/31/95—Zoning the site ‘Urban Reserve’—UR-P
Exhibit No. 19b. Colored computer generated map
Exhibit No. 20 Ordinance 12533 approved 12/5/96—Comp. Plan: Rural & Zoning: RA-10
Exhibit No. 21 September 13, 1999 letter from Eric LaBrie with Notebook titled ‘Black Diamond Properties’ and containing Black Diamond Agreement dated December 31, 1996.
Exhibit No. 22 Interim Conservation Easement
Exhibit No. 23 GIS 1996 Orthographic Photo
Exhibit No. 24 Map 2 of the 1996 Black Diamond Agreement, dated 10/2/96 showing County Open Spaces
Exhibit No. 25 Fax of map from Carol Chan, KC OBSP to Dennis Higgins DDES/GIS, dated 8/30/96.
Exhibit No. 26 GIS map of open space as plotted on Chateaus at Greenbrier, prepared October 1999
Exhibit No. 27 BLA L98L0065 recorded 8/17/98—current and previous lot configuration on subject property.
Exhibit No. 28 February 25, 1999 letter from Eric LaBrie-response to request for information
Exhibit No. 29 King County Health Approval for clustered lots.
Exhibit No. 30 Correspondence received regarding rezone & plat – through the date of October 28, 1999
Exhibit No. 31 Fax from Donald Nettleton of Plum Creek to Roz Glasser, City of Black Diamond, of written correspondence and an attached map, dated October 27, 1999.
Exhibit No. 32 Plum Creek GIS colored map depicting land uses within the entire Black Diamond area (this reduction taken from a larger map dated September 17, 1996).
Exhibit No. 33 Statement prepared by William Kombol, dated November 1, 1999

The following exhibits were entered into the record by the Hearing Examiner on, pursuant to administrative continuance of February 28, 2000:

- Exhibit No. 34 Letter to King County Council from Joel Haggard, dated February 11, 2000
Exhibit No. 35 Notice of Continuance, Office of the Hearing Examiner, dated November 12, 1999
Exhibit No. 36 Notice of Indefinite Continuance, Office of the Hearing Examiner, dated November 30, 1999, with letter attached from William E. Ruth, dated November 24, 1999.